



Legal/PTO trans ltr

LU 6035 (US)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of

Wolfgang ROHDE et al.

Serial No. **10/520,536**

Filed **October 14, 2005**

For **MULTISTAGE PROCESS FOR
PRODUCING HOLLOW PLASTIC
ARTICLES FROM HALF SHELLS**

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) Art Unit 1794
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) Examiner Michele Jacobson
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Mail Stop Amendment
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

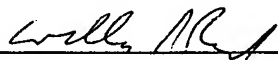
TRANSMITTAL LETTER

Submitted herewith for filing in the U.S. Patent and Trademark Office are the following:

- ☒ Postcard
- ☒ Response to Restriction Requirement (3 pages)

Respectfully submitted,

WOLFGANG ROHDE ET AL.

By 
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Date: **April 2, 2008**



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Serial Number: **10/520,536**) Group Art Unit: **1794**
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RESPONSE TO RESTRICTION REQUIREMENT

This is in response to the restriction requirement under 35 U.S.C. 121 and 372, dated March 4, 2008, for which a one-month period for response was set.

Claims 1-26 are pending in this application. The Office Action has set forth a requirement for restriction of the prosecution of this application to the following Groups of claims:

- Group I Claims 1-19 and 22-26, drawn to a method of forming a hollow plastic article; or
- Group II Claims 20-21, drawn to a hollow plastic article.

Applicants hereby provisionally elect Group I, claims 1-19 and 22-26 with traverse.

The Examiner contends that the inventions listed in Groups I and II do not relate to a single general inventive concept under PCT 13.1, because under PCT Rule 13.2 they lack the

same or corresponding special technical features. Specifically, the Examiner contends that DE 100 10 900 anticipates claims 1 and 20.

For a reference to anticipate an invention, all of the elements of that invention must be present in the reference. The test for anticipation under section 102 is whether each and every element as set forth in the claims is found, either expressly or inherently, in a single prior art reference. *Verdegaal Bros. V. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must also be arranged as required by the claim. *In re Bond*, 15 USPQ2d 1566 (Fed. Cir. 1990).

Applicants respectfully submit that DE 100 10 900 does not teach or disclose a removable intermediate frame that separates the mold halves from one another, so that the statutory requirements under 102 are not met. Applicants respectfully request reconsideration and withdrawal of the restriction requirement, and that all of the claims pending in this application be examined.

Should the Examiner have questions or comments regarding this application or this Response, Applicant's attorney would welcome the opportunity to discuss the case with the Examiner.

No payment is believed to be due; however, the Commissioner is hereby authorized to charge U.S. PTO deposit account 08-2336 any payment due and to credit any overpayment thereto.

Respectfully submitted,

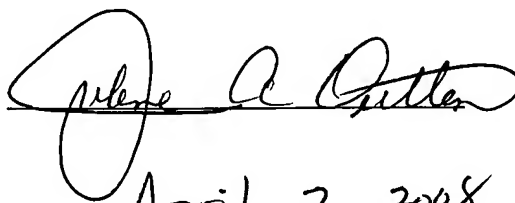


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I hereby certify that this correspondence is being deposited with sufficient postage thereon with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on April 2, 2008.



April 2 2008
Date of Signature